APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,788	02/20/2002	Shell S. Simpson	10007663 -1	1113

7590   10/31/2005

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EXAMINER
HANNE, SARA M

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/080,788	SIMPSON ET AL.
Office Action Summary	Examiner	Art Unit	
	Sara M. Hanrie	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,9,10 and 12-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 9-10, and 12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment received on August 18, 2005.

Claims 1-3, 9-10, and 12-22 are pending in the application. Examiner notes cancelled

Claims 4-8, 11 and 23-24.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-3 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

   Claim 1 recites the limitation "the user's personal collection of job images" in line

15. There is insufficient antecedent basis for this limitation in the claim.

   Claim 21 recites the limitation "the first and second input" in line 8,"the user" in

line 10 and "second web content" in line 12. There is insufficient antecedent basis for

these limitations in the claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 1-3, 9-10, and 12-22 are rejected under 35 U.S.C. 102(e) as being

anticipated by Fitzsimons et al., US Patent Publication 2003/0034991, hereinafter

Fitzsimons.

As in Claims 1 and 9, Fitzsimons teaches a method, system and server

computer, comprising providing a web client computer connected to a network (Fig. 10-

11 and corresponding text), where the client includes an application programmatic

interface (PBVB in conjunction with the implementation of the save and print functions

local to the machine, Par. 31-32), receiving, at the web client computer, web content

from a remote web server connected to the network (web page), and wherein the web

content enables the web client computer, in response to user input, to select images

from the plurality of images and to create a composite image from the selected images

(Pg. 1, Par. 6 and 29), issuing, by the web content a device independent (XML is device

independent and Par. 31) call to the API (Par. 53), responding to the call, performed

while a user is logged into the client (Par. 36 and seq.), wherein responding is

performed by adding the composite image to the user's personal collection of job

images (Par. 27 and 53).

As in Claims 2 and 10, Fitzsimons teaches the web content enables the web

client computer to display a first graphical user interface for enabling a user of the client

computer to provide the user input (Fig. 10-11 and corresponding text).

As in Claims 3 and 12, Fitzsimons teaches receiving the user input at the client computer and responding to the user input at the client computer by creating the composite image (Pg. 3, Par. 48).

As in Claim 13, Fitzsimons teaches the network being the public Internet (Pg. 1, Par. 28, "the Internet 14").

As in Claim 14, Fitzsimons teaches the first web server provides the first web content to the client by transmitting over the network using an http protocol (Pg. 2, Par. 29).

As in Claim 15, Fitzsimons teaches a Web server computer, comprising an interface for receiving a request from a web client over a network and a mechanism for responding to the request by transmitting web content, over the network, to the web client (Pg. 1, Par. 6 and 29) and wherein the web client computer has access to a plurality of electronic images (Pgs. 2-3, Par. 44-47) wherein the web content enables the web client to, in response to first user input, select images from the plurality of electronic images (Pg. 3, Par. 48) and wherein the web content enables the web client computer lo, in response to second user input, create a composite image from the selected images (Pg. 3, Par. 48, et seq.) wherein the web content issues a device independent (XML is device independent and Par: 31) call to an API (Par. 53) of the client (saving and printing are a part of the API client functions), in order to add the composite image to a collection of job images each classified as a personal job image of an active user of the client (Par. 27 and 53).

As in Claim 16, Fitzsimons teaches the web content causes the web client computer to display a user interface that enables a user of the web client computer to provide the first and the second user input (Figures 7-11 and corresponding text and Pg. 2, Par. 29).

As in Claim 17, Fitzsimons teaches the request is addressed to a URL assigned to the web content (Pgs. 1-2, Par. 29 and drawings).

As in Claim 18, Fitzsimons teaches A computing device, comprising: means for receiving a request from a web client computer over a network, the request address to a pre-determined URL (Pgs. 1-2, Par. 29) and means for responding to the request by transmitting a program of instructions to the web client computer and wherein the program of instructions enables the web client computer to select electronic images and to create a composite image from the selected images (Pg. 1, Par. 6) wherein the program of instructions issues a device independent (XML is device independent and Par. 31) call to an API (Par. 53) of the client (saving and printing are a part of the API client functions), in order to add the composite image to a collection of job images of a present active user of the client (Par. 27 and 53).

As in Claim 19, Fitzsimons teaches the program of instructions is web content (Pg. 1, Par. 28-29).

As in Claim 20, Fitzsimons teaches the network is the Public Internet (Pg. 1, Par. 28, "the Internet 14").

As in Claim 21, Fitzsimons teaches a computer readable medium embodying Web content for causing a Web client computer to perform method steps, the method

steps comprising creating a composite image based upon the first and second input

(Pg. 2, Par. 53), displaying a web page that includes a graphical user interface for

enabling the user to provide the first and the second user input (Fig. 11-16), configuring

the Web client computer so that when the client computer is running a second Web

content and a particular user is logged into the client computer, the second Web content

can access the composite image (database 22) by issuing a predetermined application

program interface call (Par. 33, 53) and wherein the API call is device independent

(XML is device independent, also Par. 31).

As in Claim 22, Fitzsimons teaches the web page includes a plurality of

thumbnail images each corresponding to a unique one of the plurality of electronic

images (Pg. 3, par. 47).

Response to Arguments

Applicant's arguments filed 8/18/05 have been fully considered but they are not

persuasive.

In response to the applicant's arguments that Fitzsimons fails to teach an API or

a call to API, the examiner disagrees. In conjunction with the specification, Fitzsimons

teaches all of the functions carried out by the application as defined within the

presented claims. Although Fitzsimons does not specifically recite the term "API", it

does include an API in the sense that is defined by the claims of the pending

application.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach similar composite image construction.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-

4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on

alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

smh

WEILUN LO
SUPERVISORY PATENT EXAMINER